



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

345 COURTLAND STREET, N.E.
ATLANTA, GEORGIA 30365

DEC 12 1994

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Mr. James A. Warr, Director
Alabama Department of
Environmental Management
1890 AA Congressman
W. L. Dickinson Drive
Montgomery, Alabama 36109

SUBJ: Olin Operable Unit One (OU-1) Draft Record of Decision

Dear Mr. Warr:

The purpose of this letter is to respond to your letters of May 3 and May 27, 1994, addressing the draft Record of Decision (ROD) for Operable Unit One (OU-1) at the Olin Site located in McIntosh, Alabama. The U.S. Environmental Protection Agency (EPA) recognizes that it has taken us a great deal of time to respond to your letters, but we wanted to give your request that the Olin OU-1 ROD be implemented by the Alabama Department of Environment Management (ADEM) under the Resource Conservation and Recovery Act (RCRA), the Hazardous and Solid Waste Amendment (HSWA), and the Alabama Hazardous Waste Management and Minimization Act (AHWMMA), instead of by EPA under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) our utmost consideration. EPA appreciates ADEM's interest in avoiding a duplication of effort.

Implementation of the CERCLA remedy under RCRA would require a modification to the RCRA permit, including the federally administered HSWA portion, which includes federal oversight of the remedy from EPA's RCRA Program. Unfortunately, the implementation of the remedy by ADEM would add this additional layer of involvement and federal resources to the already complex situation. Implementation of the remedy by EPA under CERCLA, however, would not require the utilization of EPA's limited RCRA resources for oversight nor the additional layer of involvement. Because this Site has been on the NPL since 1984, and the remedial action being developed under the CERCLA program for over ten years, continued implementation under CERCLA insures consistency and decreases the potential for conflicts. As a result, EPA has determined that it would be premature at this time to defer the cleanup at the Olin OU-1 Site to ADEM. We look forward to ADEM's continued involvement on the Olin Site and the possibility of working with ADEM's RCRA program, as it develops, at other sites.

If you have any questions, please call me or contact
Joseph R. Franzmathes, Director, Waste Management Division, at
(404) 347-3454.

Sincerely,



for John H. Hankinson Jr.
Regional Administrator